UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,481	09/22/2003	Peter Oberhans	10901/52	2928

			EXAMINER
26646 7590 07/18/2005			LAU, TUNG S

KENYON & KENYON
ONE BROADWAY
NEW YORK, NY 10004

ART UNIT	PAPER NUMBER
2863	

DATE MAILED: 07/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/668,481	OBERHANS ET AL.
	Examiner	Art Unit	
	Tung S. Lau	2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 July 2005</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-12</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1 and 6-12</u> is/are rejected.

7)☒ Claim(s) <u>2-5</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☒ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>See office action</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1.   The information disclose statement filed 09/22/2003 fails to comply with 37 CFR

1.98(a)(2), which requires a legible copy; each publication or that portion which

caused it to be listed; and all other information or that portion which caused it to

be listed. Item document number 19712622 missing from the application file.

Applicant is required to submit a legible copy of document number 19712622. A

copy of a signed PTO-1449 attached with this office action.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Aoki

et al. (U.S. Patent 6,249,359).

Regarding claim 1:

Aoki discloses a method for correcting scanning signals of an incremental

position transducer having deviations from ideal signals expected by a

downstream evaluation unit (Col. 1, Lines 15-43), comprising: feeding the

scanning signals to a correction unit in response to a signal request (fig. 1a,

interrupt request); linking the scanning signals in the correction unit to correction

data generated in accordance with active values of the scanning signals (fig. 2,

unit 303, 33); and exclusively feeding scanning signals for generating correction

data to the correction unit for at least one predefined time segment following

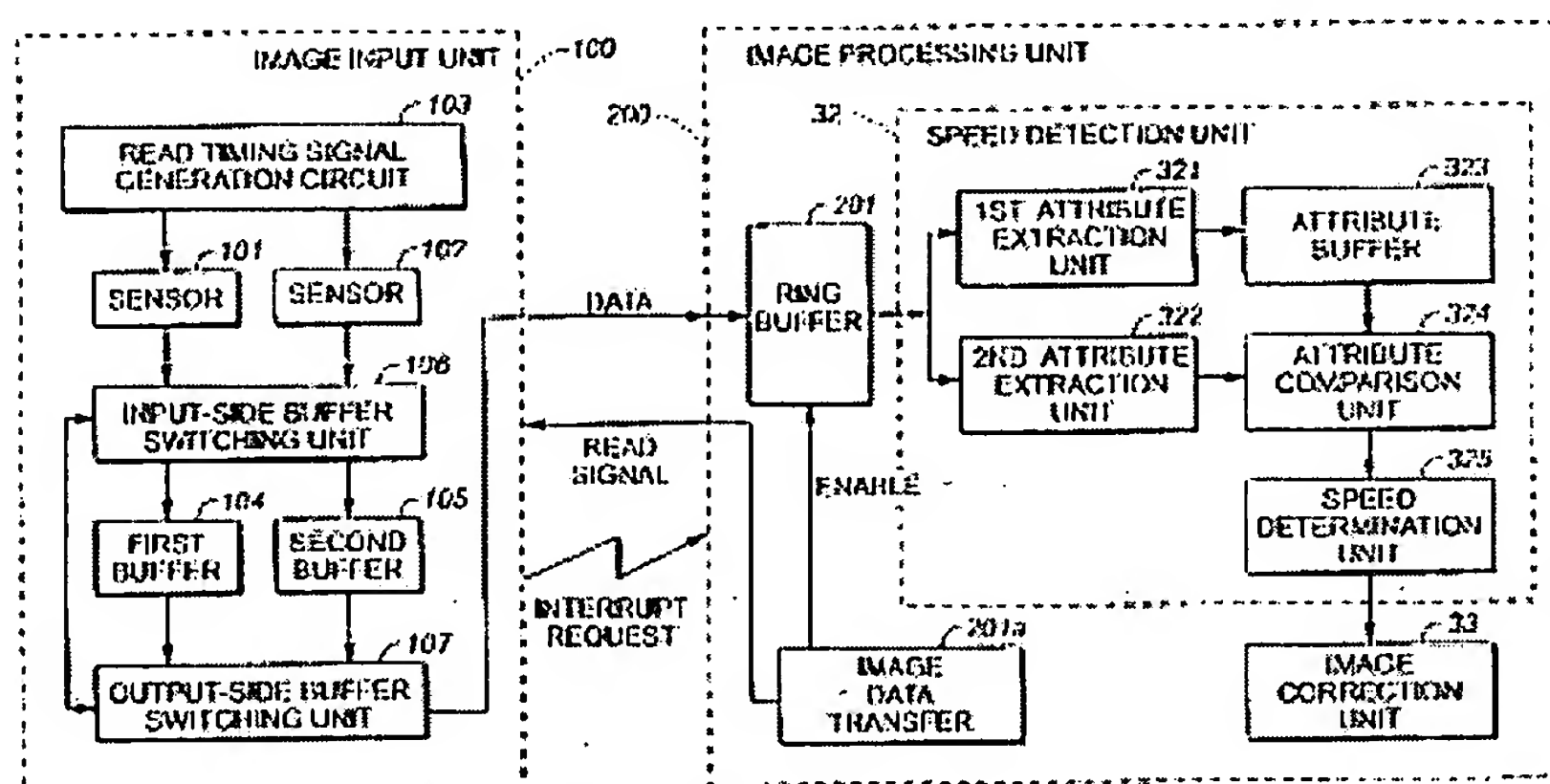each request of new scanning signals to be corrected (Col. 5, Lines 30-57, fig.
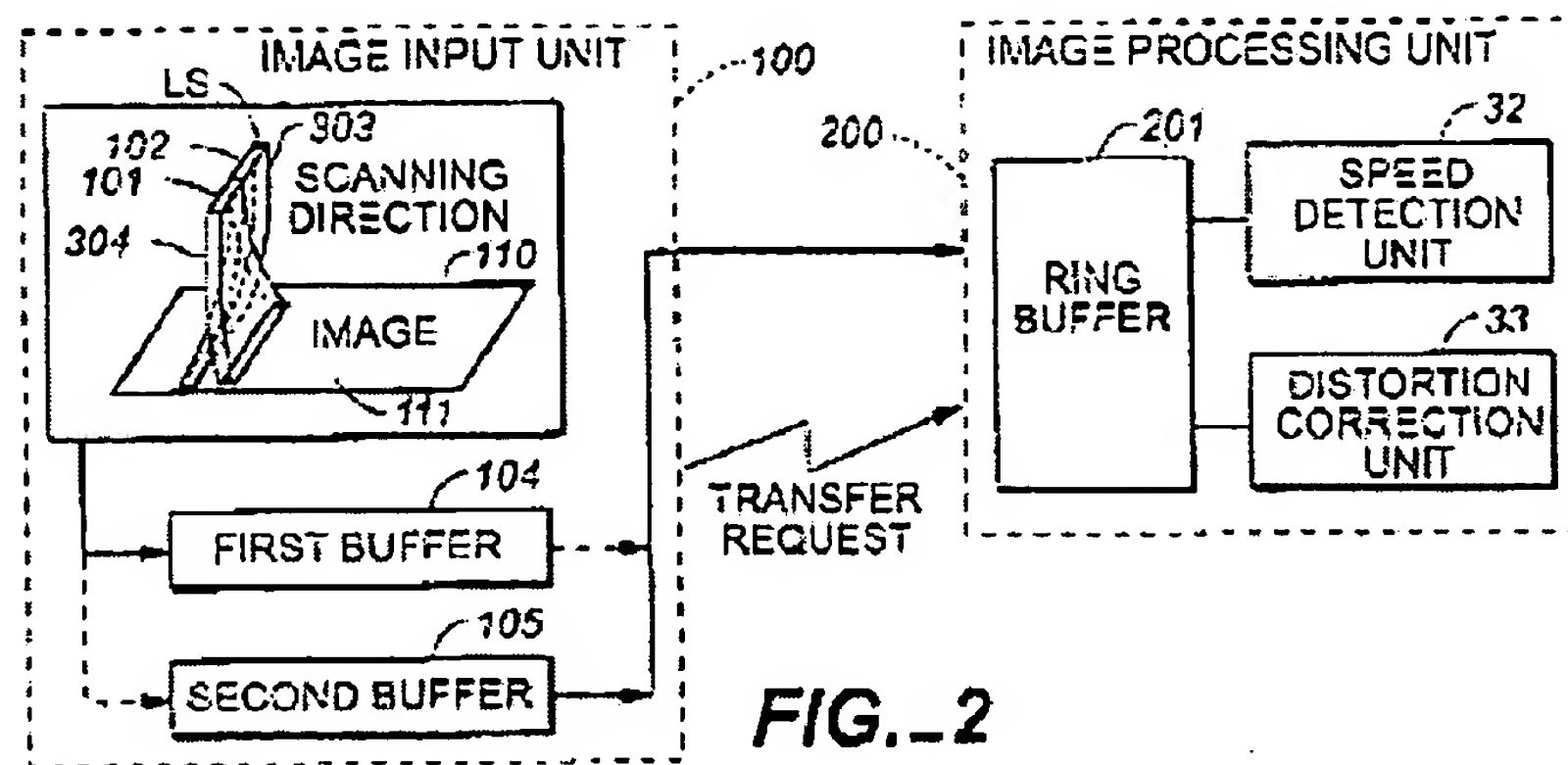
3a-3c).

FIG._1A

Regarding claim 11:

Aoki discloses a device for correcting scanning signals of an incremental position

transducer having deviations from ideal signals expected by a downstream

evaluation unit (fig. 2, unit 110, 200), comprising: an arrangement configured to

perform a method including the steps of: feeding the scanning signals to a

correction unit in response to a signal request (fig. 1a, interrupt request); linking

the scanning signals in the correction unit to correction data generated in

accordance with active values of the scanning signals (fig. 2, unit 303, 33); and

exclusively feeding scanning signals for generating data to the correction unit for

at least one predefined time segment following each request of new scanning

signals to be corrected (Col. 5, Lines 30-57, fig. 3a-3c).


FIG._2

Regarding claim 12:

Aoki discloses a device for correcting scanning signals of an incremental position

transducer having deviations from ideal signals expected by a downstream

evaluation unit, comprising: means for feeding the scanning signals to a

correction unit in response to a signal request (fig. 2, unit 110, 200); means for

linking the scanning signals in the correction unit to correction data generated in

accordance with active values of the scanning signals (fig. 2, unit 303, 33); and

means for exclusively feeding scanning signals for generating data to the

correction unit for at least one predefined time segment following each request of

new scanning signals to be corrected (Col. 5, Lines 30-57, fig. 3a-3c).

Regarding claim 6, Aoki further discloses digitizing analog signals of the

scanning signals before the step of feeding the scanning signals to the correction

unit (Col. 10, Lines 39-50, fig. 1a, 107); Regarding claim 7, Aoki further discloses

the correction unit includes feeding at least two scanning signals to be corrected

to the correction unit in response to request of scanning signals to be corrected,

the two scanning signals being out-of-phase with each other (fig. 3a-3b);

Regarding claim 8, Aoki further discloses triggering the signal request by at least

one of a microprocessor of the correction unit and an external pulse (fig. 1a, 33,

fig. 7, unit 300); Regarding claim 9, Aoki further discloses generating the

correction data as a function of active values of the scanning signals in a

microprocessor (fig. 3a-3d); Regarding claim 10, Aoki further discloses correcting

the scanning signals in accordance with at least one predefined correction

algorithm (fig. 11a-11b).

FIG._3A

FIG._3B

FIG._3C

FIG._3D
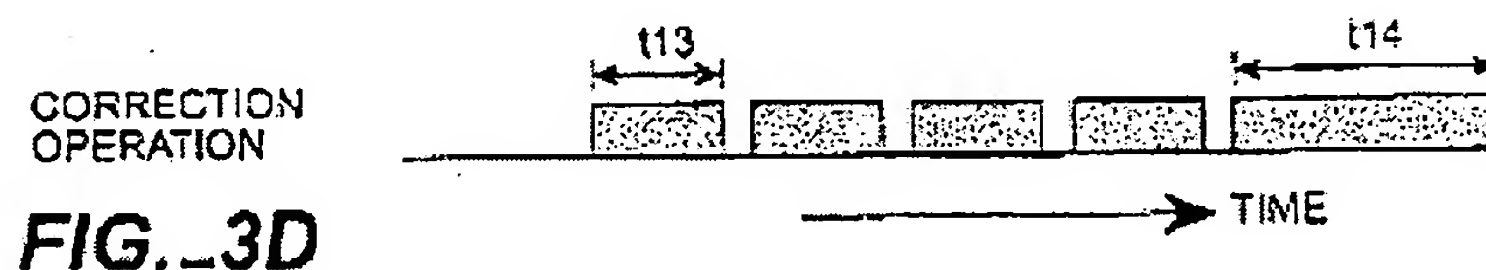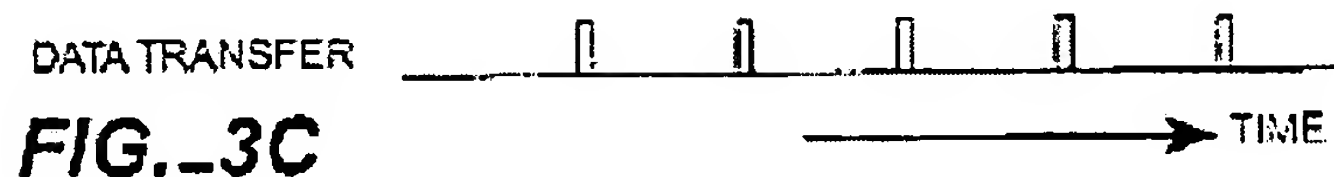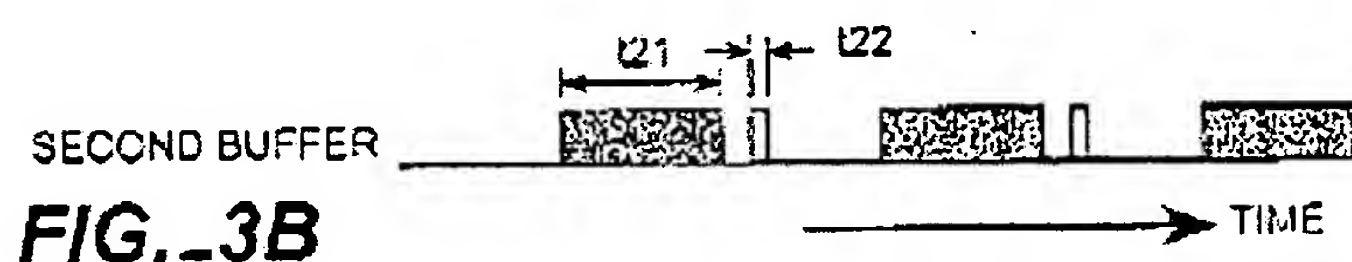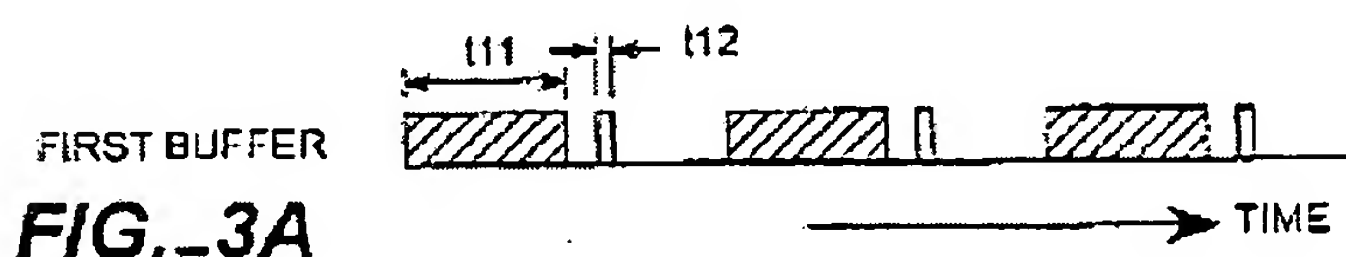
Allowable Subject Matter

3.   Claims 2, 3, 4, and 5 are objected to as being dependent upon a rejected base

claim, but would be allowable if rewritten in independent form including all the

limitation of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: prior art fail to

teach: Regarding claim 2, checking the signal request by a logic device to

determine whether the signal request applies to scanning signals that are to

undergo a correction in the correction unit or to scanning signals for generating

correction data; Regarding claim 4, the predefined time segment is shorter than a

shortest difference in time between two signal requests of new scanning signals

to be corrected; Regarding claim 5, the signal requests of scanning signals to be

corrected occur in constant time intervals, the predefined time segment shorter
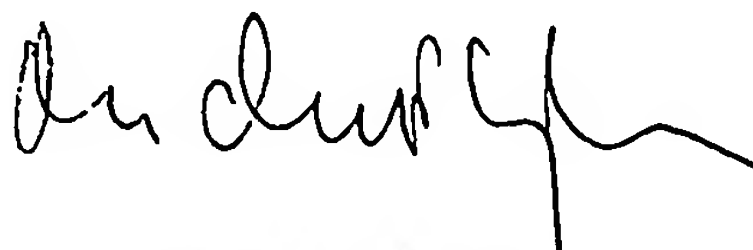
than the constant time intervals.

Claim 3 is allowed due to their dependency on claim 2.

Any comments considered necessary by applicant must be submitted no later

than the payment of the issue fee and, to avoid processing delays, should

preferably accompany the issue fee. Such submissions should be clearly labeled

"Comments on Statement of Reasons for Allowance."

Response to Arguments

4.   Applicant's arguments with respect to claim invention, have been considered but are moot in view of the new ground(s) of rejection. However, applicant's arguments filed 07/05/2005 have been fully considered but they are not persuasive.

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 571-272-2274. The examiner can normally be reached on M-F 9-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9306 Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TL

MICHAEL NGHIEM
PRIMARY EXAMINER